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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,972	12/31/2001	Olli Seppala	006955.00001	5444
22907	7590	10/16/2007	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			LE, NHAN T	
		ART UNIT	PAPER NUMBER	
		2618		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,972	SEPPALA ET AL.	
	Examiner	Art Unit	
	Nhan T. Le	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-20, 22-24, 26-28, 31-35 is/are rejected.
- 7) Claim(s) 21,25,29 and 30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Appellant's arguments, see Appeal Brief, filed on 07/23/2007, with respect to the rejection(s) of claim(s) 18-35 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tajima et al (US 6,553,013); Jones et al (US 6,553,013).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 23, 26-28, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013).

As to claim 18, Tajima teaches a device comprising a broadband radio signal receiver (see fig. 5, number 31, col. 4, lines 36-67, col. 5, lines 1-13), the device receiving messages with receiver (see col. 3, lines 57-67, col. 4, lines 1-11), storage for storing different kind of applications (see col. 4, lines 36-67, col. 5, lines 1-13), a radio channel memory for storing a radio different kind of application settings (see col. 4, lines 36-67, col. 5, lines 1-13), wherein the received signal is FM signals and storing a plurality of radio channel settings (see col. 4, lines 36-67, col. 5, lines 1-13). Tajima fails to teach wherein the receiver for receiving messages transmitted via a mobile network. Jones teaches the mobile receiver for receiving messages transmitted via a mobile

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network (see col. 30, lines 25-67, col. 31, lines 81-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Jones into the system of Tajima in order to validate the received message of the mobile with the mobile cell ID.

As to claim 23, the combination of Tajima and Jones further teaches a mobile phone, wherein the radio channel setting in the message comprises a radio channel frequency (see Tajima col. 4, lines 36-67, col. 5, lines 1-13).

As to claim 26, Tajima teaches a method of updating radio channel setting of mobile phone having a broadband AM/FM radio receiver (see fig. 5, number 31, col. 4, lines 36-67, col. 5, lines 1-13), by sending a message containing radio channel setting to the mobile phone (see col. 3, lines 57-67, col. 4, lines 1-11). Tajima fails to teach a mobile phone comprising a receiver for receiving messages via a mobile phone network. Jones teaches the receiver for receiving messages transmitted via a mobile network (see col. 30, lines 25-67, col. 31, lines 81-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Jones into the system of Tajima in order in order to validate the received message of the mobile with the mobile cell ID.

As to claim 27, the claim is rejected as stated in claim 18.

As to claim 28, the claim is rejected as stated in claim 23.

As to claim 35, the claim is rejected as stated in claim 23.

3. Claims 19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013) further in view of Kim (US 6,597,918).

As to claims 19, 24, the combination of Tajima and Jones fails to teach a mobile phone, further comprising a detector for detecting that a message contains a radio channel setting, wherein the detector determines a type of content of the message from a data header of the message. Kim teaches a detector for detecting the received message, wherein the detector determines a type of content of the message from a data header of the message (see col. 4, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kim into the system of Tajima and Jones in order to detect the new incoming messages based on the header of the received messages.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013), Kim (US 6,597,918) further in view of Gupte et al (US 2002/0055350)

As to claim 20, the combination of Tajima, Jones and Kim fails to teach a mobile phone wherein a menu of user interface is activated when a message is received, the menu prompting the user to choose either to listen, to save, view details or discard the received radio channel setting. Gupte teaches that the users can select from the menu either to listen, to save, view details or discard the received message (see page 3, paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to provide the teaching of Gupte into the system of Tajima, Jones, Konisi and Kim in order to provide users with more useful features.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013) further in view of Park (US 6,408,188).

As to claim 22, the combination of Tajima and Jones fails to teach a mobile phone, further comprising a transmitter which sends a message containing a radio channel setting. Park teaches a transmitter which sends a message to multiple receivers (see col. 2, lines 26-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Park into the system of Tajima and Jones so that the signals from the signal processor can be modulated into the radio signals.

6. Claims 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013) further in view of Villa-Real (US 4,481,382).

As to claims 31, 32, the combination of Tajima and Jones teaches a mobile phone, comprising a receiver which receives a message containing radio channel frequency. The combination of Tajima and Jones fails to teach wherein the broadband AM and/or FM radio receiver is automatically tuned to the last radio channel setting that is received, wherein the radio setting including date and time and the broadband AM and/or FM radio signal receiver and tunes to the received radio channel setting. Villa-Real teaches wherein the broadband AM and/or FM radio receiver is automatically

tunes to the last radio channel setting that is received, wherein the radio setting including date and time and the broadband AM and/or FM radio signal receiver and tunes to the received radio channel setting (see col. 9, lines 46-68, col. 10, lines 1-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Villa-Real into the system of Applicant's admitted prior art, Konisi and Jones in order to provide better services to the users.

7. Claims 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al (US 6,553,013) in view of Jones et al (US 6,553,013) further in view Williamson (US 2003/0083028).

As to claims 33, 34, the combination of Tajima and Jones fails to teach a message requesting a radio station setting is sent to a server and a message containing the requested radio station setting is returned by the server, wherein a message requesting the radio station setting for geographic area along a route is sent to a server and the message containing the requested radio station setting is returned by the server. Williamson teaches teach a message requesting a radio station setting is sent to a server and a message containing the requested radio station setting is returned by the server, wherein a message requesting the radio station setting for geographic area along a route is sent to a server and the message containing the requested radio station setting is returned by the server (see paragraphs 0022-0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Williamson into the system of Tajima, Jones and Konis in order to download the preset radio program form the server.

Allowable Subject Matter

8. Claims 21, 25, 29, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 21, the applied reference fails to teach a mobile phone wherein a further menu of user interface is activated when the user has chosen to save the radio channel setting, further menu requesting the user to select one of the channel location numbers of the radio channel memory as cited in the claim.

As to claim 25, the applied reference fails to teach wherein the receiver receives messages containing a radio channel frequency and name and a time and date of a radio program and a control which activates the broadband AM and/or FM radio signal receiver and tunes a radio signal receiver to receive channel when time and date of the receive radio program has been reached as cited in the claim.

As to claim 29, the applied reference fails to teach a method comprising the steps of assigning radio channel setting to different geographical areas, determining which geographical area the mobile phone is located and sending the message to the mobile phone containing at least one radio channel setting assigned to the geographical area the mobile phone is located as cited in the claim.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Le

Nhan Le